



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT  
**October 18, 2005**

Honorable Members of the  
Law and Legislation Committee

**Subject:** Code Enforcement Department Administrative Penalties

**Location/Council District:** Citywide

**Recommendation:**

This report is provided for information as requested by the Law and Legislation Committee.

**Contact:** Max B. Fernandez, Director of Code Enforcement, (916) 808-7940

**Presenters:** Max B. Fernandez, Director of Code Enforcement

**Department:** Code Enforcement

**Division:** Administration

**Organization No:** 4654

**Summary:**

This report provides an overview of the administrative penalty fee assessments by the Code Enforcement Department. Sacramento City Code (SCC) Section 1.28 General Penalty authorizes the imposition of administrative penalties by any department that enforces city codes and ordinances while establishing guidelines and a schedule for city officials to follow.

**Committee/Commission Action:** None.

**Background Information:**

The Sacramento City Council adopted SCC Chapter 1.28 General Penalty to provide the City with additional remedies to correct violations and, when necessary, to penalize violators for failure to comply with city codes and ordinances. This ordinance allows any department responsible for enforcing city codes to impose administrative penalties along with a fair process to appeal those penalties. SCC Section 1.28.010 (D) (3) establishes factors including, but not limited to, the seriousness of the violation, the

responsible party's efforts to correct the violation, the amount of city staff time which was expended investigating the violation, and the amount of administrative penalties which have been imposed in similar situations for the authorized city official to consider when imposing administrative penalties. Authorized individuals in the Code Enforcement Department include the director, managers and supervisors.

SCC Section 1.28.010 (D) (3) also establishes a schedule for the authorized city official to adhere to when assessing administrative penalties. The four levels are defined as:

- Level A - violations that present a substantial probability that death or serious physical harm to the public at large or person(s) would result therefrom. Level A violations shall be subject to an administrative penalty of five thousand dollars (\$5,000.00) to twenty-five thousand dollars (\$25,000.00)
- Level B - violations that either (1) present the threat, but not substantial probability, that serious physical harm to the public at large or person(s) would result therefrom; or (2) present circumstances that are likely to cause and/or do cause serious harm to public or private property; or (3) present a conscious and willful disregard of (i) a hearing examiner's order or orders, or (ii) orders or notices of violation issued by any agency or commission authorized to issue such orders or notices. Level B violations shall be subject to an administrative penalty of two thousand five hundred dollars (\$2,500.00) to four thousand nine hundred ninety-nine dollars and ninety-nine cents (\$4,999.99)
- Level C - violations that present circumstances that either (1) are likely to cause and/or do cause harm to public or private property; or (2) show repeated or continuous noncompliance with (i) a hearing examiner's order or orders, or (ii) orders or notices of violation issued by any agency or commission authorized to issue such orders or notices. Level C violations shall be subject to an administrative penalty of one thousand dollars (\$1,000.00) to two thousand four hundred ninety-nine dollars and ninety-nine cents (\$2,499.99)
- Level D - violations are violations other than Level A, B, or C violations. Level D violations shall be subject to an administrative penalty of one hundred dollars (\$100.00) to nine hundred dollars and ninety-nine cents (\$999.99).

Administrative penalties are assessed by the Code Enforcement Department when there is a need for an additional remedy to correct code violations and ensure compliance. Code Enforcement managers and supervisors use their discretion and reference the schedule established in the City Code to determine the amount of administrative penalty that is applied to a particular case.

Over the past two fiscal years, FY 2004 and FY 2005, the Code Enforcement Department has assessed a total of 144 administrative penalties amounting to \$372,782 in fees. There have been 79 cases resolved (55%) generating \$88,544 in revenue for the City's general fund and \$43,146 is currently liened against properties. Of the 144 total administrative penalties assessed, the Neighborhood Code Enforcement Division

assessed 80 cases, or 14% of the Notice and Orders, while the Housing and Dangerous Buildings Division imposed penalties on 64 housing cases, or 8% of the Notice and Orders. Administrative penalties were reduced by a total of \$10,500 as a result of the appeal hearings and the discretion of hearing examiners and the Housing Code Advisory and Appeals Board. At this time, the remaining \$230,592 in fees are pending case closure or the lien process that includes hearings, scheduling and noticing as set forth in the City Code.

**Financial Considerations:**

Revenue collected for the administrative penalty fees are deposited into the City's general fund.

**Environmental Considerations:**

This report is not considered a project and therefore has no environmental impact as stated by the California Environmental Quality Act (Section 15061 (b) (3)).

**Policy Considerations:**

This report is consistent with the policies associated with the City of Sacramento's mission to protect, preserve, and enhance the quality of life for future generations.

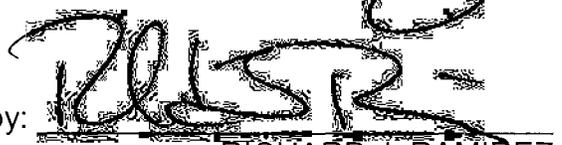
**Emerging Small Business Development (ESBD):**

No goods or services are being purchased.

Respectfully Submitted by:

  
MAX B. FERNANDEZ  
Director of Code Enforcement

Approved by:

  
RICHARD J. RAMIREZ  
Deputy City Manager

Recommendation Approved:

  
KEN NISHIMOTO  
Assistant City Manager

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